

R U L E S

of the

BOARD OF FIRE AND POLICE COMMISSIONERS

CITY OF MILWAUKEE

Milwaukee, Wisconsin

Revised July 26, 2001

<u>RULE</u>	<u>TABLE OF CONTENTS</u>	<u>PAGE</u>
I.	DEFINITION OF TERMS	I - 1
II.	SCOPE OF AUTHORITY	II - 1
III.	ADMINISTRATION	III - 1
IV.	BOARD PROCEDURE	IV - 1
V.	CLASSIFICATIONS	V - 1
VI.	QUALIFICATIONS	VI - 1
VII.	APPLICATION PROCEDURES	VII - 1
VIII.	EXAMINATIONS	VIII - 1
IX.	TESTING PROCEDURES	IX - 1
X.	ELIGIBLE LISTS	X - 1
XI.	APPOINTMENTS	XI - 1
XII.	REINSTATEMENT	XII - 1
XIII.	REAPPOINTMENT	XIII - 1
XIV.	RESIDENCY	XIV - 1
XV.	APPEALS FROM DEPARTMENT DISCIPLINE BY SWORN PERSONNEL	XV - 1
XVI.	APPEALS FROM DEPARTMENT DISCIPLINE BY NON-SWORN (CIVILIAN) PERSONNEL	XVI - 1
XVII.	CITIZEN COMPLAINT PROCEDURE	XVII - 1
	APPENDIX	A - 1

Note: Dates in parentheses indicate the date of the most recent amendment to the section. Refer to the Appendix for specific information on amendments.

RULE I.

DEFINITION OF TERMS

- Section 1.
- (a) The word “Board” when used in these Rules means the Board of Fire and Police Commissioners. (Rev. 7/26/01)
 - (b) The “Executive Director” is the chief administrator for the Board. (Rev. 7/26/01)
 - (c) The “Supervisor of Examinations” is the supervisor of all testing and selection functions. (Rev. 7/26/01)
 - (d) The “Hearing Examiner” acts as presiding officer in disciplinary appeal and citizen complaint trials. At its discretion, the Board may designate one of its members or may appoint an attorney to act as Hearing Examiner. (Rev. 7/26/01)
 - (e) The “Public Relations Officer” is the supervisor of recruitment and the citizen complaint process and is responsible for community relations outreach activities for the Fire and Police Commission. (Rev. 7/26/01)
 - (f) The term “Exempt” in these Rules refers to positions not subject to competitive examination, unless the Board determines otherwise. (Rev. 7/26/01)
 - (g) The term “Non-Exempt” in these Rules refers to positions subject to competitive examination, unless the Board determines otherwise. (Rev. 7/26/01)

RULE II.

SCOPE OF AUTHORITY

- Section 1. These Rules shall apply to all positions in the Fire Department and the Police Department in the City of Milwaukee which are under the jurisdiction of the Board of Fire and Police Commissioners, and to the conduct of all business relating to the functions and responsibilities of the Board. (Rev. 7/26/01)
- Section 2. These Rules shall become effective immediately upon adoption by the Board and shall be published and distributed. Any Fire or Police Department rule, regulation, or standard operating procedure shall be subordinate to the Board Rules. (Rev. 3/6/03)
- Section 3. (a) The Board shall, on an ongoing basis, review all aspects of the operations of the Fire and Police Departments, including, but not limited to, a consideration of discipline, promotion, work rules, standard operating procedures, and other procedures relating to the conduct of employees of the Fire and Police Departments. The Commission, and Commission members or staff when authorized by the Commission, shall have full access to observe and review all department activities. (Rev. 10/4/01)
- (b) The Board may prescribe rules for the governance of each department. A Chief may not suspend any rule prescribed by the Board. (Rev. 7/26/01)
- (c) The Chief of each department may propose rules for the governance of the department. Any rule proposed by a Chief shall be subject to review and approval by the Board. Any rule proposed by a Chief shall not take effect until the rule is reviewed and approved by the Board. (Rev. 7/26/01)
- Section 4. The Chief of each department shall provide the Board with current standard operating procedures or other directives. Nothing in a standard operating procedure or other directive shall be used to circumvent a Board or department rule. (Rev. 7/26/01)
- Section 5. When the Chief of Police or the Fire Chief will be absent from office for more than one week or will be leaving the state for more than 48 hours, the Chief shall, in advance, in writing, notify the Executive Director of the Fire and Police Commission. Such notification shall include notice of who will be in command of the department during the Chief's absence. (Rev. 7/26/01)

RULE III.

ADMINISTRATION

- Section 1. (a) Regular meetings of the Board shall be held twice a month at a date, time, and place as determined by the Board, except for a one month recess as determined by the Board. The public shall be notified of all Board meetings pursuant to Section 19.84 Wis. Stats. (Rev. 7/26/01)
- (b) Special meetings may be called at any time at the request of the Chair, upon notice as required by law. Any two members of the Board may call a special meeting with twenty-four (24) hours advance notice to the Executive Director, each member of the Board and the public, subject to Section 19.84 Wis. Stats. (Rev. 7/26/01)
- Section 2. Three members of the Board shall constitute a quorum to do business. (See Section 62.50(1) Wis. Stats.) (Rev. 7/26/01)
- Section 3. At the last regular meeting of July, the Board shall elect one of its members to act as Chair and one to act as Vice-Chair for a term of one year or until a successor is duly elected. (Rev. 7/26/01)
- Section 4. The Chair may appoint committees, consisting of one or more members, as may be necessary to carry on the business of the Board. (Rev. 7/26/01)
- Section 5. The Executive Director or designee shall attend all meetings and shall record all official actions. (Rev. 7/26/01)
- Section 6. The regular meeting agenda of the Fire and Police Commission shall be as determined by the Chair. (Rev. 7/26/01)
- Section 7. A duplicate copy of the official minutes of the proceedings of the Board shall be filed with the Legislative Reference Bureau. (Rev. 7/26/01)

RULE IV.

BOARD PROCEDURE

- Section 1. Rules of the Board or of the Fire or Police Departments may be prescribed, amended, or repealed by a majority vote of the Board pursuant to the following procedure: Notice of the proposed rule, amendment, or repeal shall be given and recorded in the minutes of a regular or special meeting, and action shall be deferred to at least the next regular or special meeting, provided that at least ten (10) calendar days have elapsed before final action is taken. (Rev. 7/26/01)
- Section 2. The Board shall be provided with any rule change proposed by a Chief at least thirty (30) calendar days prior to its anticipated effective date. All proposed rule changes provided to the Board shall be in writing. The Board shall then follow the procedure outlined in Section 1. (Rev. 7/26/01)
- Section 3. Immediate action may be taken on a proposed rule, amendment, or repeal provided that such action has approval of two-thirds of the Board members present. (Rev. 7/26/01)
- Section 4. The Board may, by a vote of two-thirds of those present and voting, but in no event by less than a majority of the Board, vote to suspend or waive any of its Rules or provisions contained herein. (Rev. 7/26/01)
- Section 5. Robert's Rules of Order shall be the official Rules of Order of the Board except as otherwise provided herein. (Rev. 7/26/01)

RULE V.

CLASSIFICATIONS

Section 1. The following shall be classified as sworn personnel titles in the Fire Department:
(Rev. 12/19/02)

Administrative Captain – EMS (E)
Administrative Fire Captain (E)
Administrative Fire Lieutenant (E)
Assistant Fire Chief (E)
Battalion Chief, Assistant EMS Coordinator (E)
Battalion Chief, Fire
Battalion Chief, Vehicle Operations (E)
Chief Dispatcher of Fire Alarm and Telegraph (E)
Deputy Chief, Fire (E)
Fire Audio Visual Training Specialist (E)
Fire Captain
Fire Chief (E)
Fire Lieutenant
Fire Paramedic
Fire Paramedic Field Lieutenant
Fire Paramedic Lieutenant
Firefighter
Heavy Equipment Operator
Paramedic
Paramedic Field Lieutenant
Paramedic Field Lieutenant (E)
Paramedic Lieutenant
Vehicle Operations Instructor (E)

Section 2. The following shall be classified as non-sworn (civilian) personnel titles in the Fire Department: (Rev. 7/26/01)

Administrative Assistant II, IV
Fire Building and Equipment Maintenance Specialist
Fire Cadet
Fire Dispatch Supervisor (E)
Fire Equipment Compressed Air Technician
Fire Equipment Dispatcher
Fire Equipment Machinist
Fire Equipment Mechanic
Fire Equipment Metal Fabricator
Fire Equipment Repairer I, II
Fire Equipment Repairs Manager

Fire Equipment Repairs Supervisor
Fire Equipment Welder
Fire Mechanic Helper
Fire Personnel Officer
Information Technology Manager - MFD
Inventory Control Assistant III
Management and Accounting Officer
Microcomputer Services Assistant
Office Assistant I, II, III, IV
Office Coordinator, Office Coordinator II
Personnel Payroll Assistant II
Physician, Fire (E)

Section 3. The following shall be classified as sworn personnel titles in the Police Department: (Rev. 12/19/02)

Administrative Lieutenant of Police (Health and Safety) (E)
Administrative Lieutenant of Police (E)
Assistant Chief of Police (E)
Captain of Police (E)
Chief Document Examiner (E)
Chief of Police (E)
Communications Maintenance Manager
Court Liaison Officer
Deputy Chief of Police (E)
Deputy Inspector of Police (E)
Detective
Document Examiner (E)
Identification Systems Specialist (E)
Identification Technician (E)
Latent Print Examiner (E)
Lieutenant of Detectives
Lieutenant of Police
Police Alarm Operator (E)
Police Audiovisual Specialist (E)
Police Commander (E)
Police Electronic Technician Foreman
Police Identification Supervisor
Police Officer
Police Sergeant

Section 4. The following shall be classified as non-sworn (civilian) personnel titles in the Police Department: (Rev. 1/31/03)

Accountant III

Accounting Assistant I, II
Administrative Assistant I, II, III, IV
Administrative Services Specialist (E)
Administrative Specialist-Senior (E)
Audiovisual Specialist II
Building and Fleet Maintenance Manager
Building Maintenance Assistant Manager
Building Maintenance Mechanic II
Building Maintenance Supervisor I, II
Computer Operator II
Custodial Worker II-City Laborer
Data Communications Specialist
Data Entry Operator I, II
Data Services Manager
Electronic Technician
Fleet Maintenance Supervisor
Garage Attendant
Graphics Designer II
Heating and Ventilating Mechanic II
Information Systems Manager-MPD (E)
Inventory Control Assistant II, III
Lead Police Telecommunicator
Mail Processor
Microfilm Technician I
Network Coordinator-Senior
Network Manager
Office Assistant I, II, III, IV
Office Coordinator
Office Supervisor II
Personnel Analyst-Senior
Personnel Officer
Personnel Payroll Assistant I, II, III
Police Aide
Police Budget and Administration Manager
Police Department Personnel Administrator
Police Dispatcher
Police District Office Assistant
Police Payroll Supervisor
Police Services Specialist (E)
Police Telecommunicator
Police Telecommunicator (Seasonal)
Printer
Printing and Stores Supervisor
Production Designer II
Programmer Analyst

Safety Director (E)
Safety Specialist-Senior
School Crossing Guard (E)
School Crossing Guard (Auxiliary) (E)
Staff Assistant - Sr.
Systems Analyst-Project Leader
Systems Analyst-Senior
Telecommunications Specialist
Telecommunications Supervisor
Teller
Transcriptionist II, III
Vehicle Services Assistant
Video Electronic Technician

Section 5. Positions in Sections 1, 2, 3, and 4 above which are designated with “(E)” shall be exempt from competitive examination unless otherwise determined by the Board.
(Rev. 7/26/01)

RULE VI.

QUALIFICATIONS

- Section 1. Requirements to compete in examinations in the Milwaukee Fire Department and Milwaukee Police Department will be job related and established by the Board for specific positions or job classes in accordance with professional testing standards and guidelines. (Rev. 7/26/01)
- Section 2. Every applicant for positions in the Milwaukee Fire Department and Milwaukee Police Department shall be of good moral character as determined by a background investigation. Persons convicted of a felony, or the equivalent under Wisconsin law, or of a misdemeanor crime of domestic violence are ineligible for the position of Police Officer or Police Aide unless fully pardoned. (Rev. 7/26/01)
- Section 3. Every applicant for either department shall meet job-related medical standards required for the position for which they are being considered, which shall be determined by qualified physicians designated by the Board. (Rev. 7/26/01)
- Section 4. (a) Every applicant for the position of Firefighter and Police Officer must be a citizen of the United States. (Rev. 7/26/01)
- (b) Every applicant for the position of Police Aide shall be a citizen of the United States or must have resided in the United States for a period of not less than five (5) years immediately prior to date of application. (Rev. 7/26/01)

A Police Aide applicant who is not a citizen of the United States and who has not yet reached the age of eighteen (18) may apply for the position of Police Aide, provided that such individual agrees in writing to file a Form N300 (Declaration of Intent to Apply for Naturalization) with the United States Department of Immigration and Naturalization within sixty (60) days of reaching eighteen (18) years of age. Failure to so agree shall result in denial of application. Failure to provide written proof of filing the requisite form within sixty (60) days of reaching the age of eighteen (18) shall result in removal from any testing process and/or eligible list, or termination of employment if already employed as a Police Aide. (Rev. 7/26/01)

A Police Aide applicant who is eighteen (18) years of age or older, and who is not a citizen of the United States, shall provide written proof of having filed either a Form N300 (Declaration of Intent to Apply for Naturalization) or a Form N400 (Application for Naturalization) or its equivalent with the United States Department of Immigration and Naturalization prior to applying for the position of Police Aide. Failure to

provide written proof of filing the requisite form at time of application shall result in denial of application. (Rev. 7/26/01)

- (c) Applicants for all other positions in either department must be eligible for employment in the United States in accordance with the Immigration and Reform Act of 1986. (Rev. 7/26/01)

Section 5. (a) Every applicant for Police Officer, Police Aide, and Firefighter must be a graduate of an accredited high school or possess a G.E.D. or a high school equivalency certificate which conforms to standards established by the State of Wisconsin for a high school equivalency certificate, by such time as determined by the Board. (Rev. 7/26/01)

- (b) Police Officer applicants must meet all educational requirements for Police Officer applicants established by the State of Wisconsin Law Enforcement Standards Board. (Rev. 7/26/01)

- (c) Every Fire Cadet applicant must be a graduate of either a Milwaukee public high school, a private high school located within the City of Milwaukee, or a public high school where the applicant attended as a Chapter 220 student or a student under Section 118.51 Wis. Stats. (open-enrollment). (Rev. 7/26/01)

Section 6. (a) Every applicant for Police Officer shall be twenty one (21) years of age by such date as determined by the Board. (Rev. 7/26/01)

- (b) Every applicant for Firefighter and Fire Cadet shall be eighteen (18) years of age by such date as determined by the Board. (Rev. 7/26/01)

- (c) Every applicant for Police Aide shall be at least seventeen (17) years of age and less than (20) twenty years of age at such time as determined by the Board. No person may be appointed to the position of Police Aide who has reached twenty (20) years of age. (Rev. 7/26/01)

Section 7. Every applicant for Police Officer, Police Aide, Firefighter, Fire Cadet, and other positions as determined by the Board shall possess a valid Wisconsin Motor Vehicle Operator's License at such time as determined by the Board. (Rev. 7/26/01)

Section 8. Members of either department, after actual service in a position in the next lower rank or in a position approved by the Board, shall be eligible to take a promotional examination provided they have served as regular and not acting, administrative, or temporary appointees and have met the qualifications and service requirements established by the Board and noticed on the examination announcement bulletin for the promotional position. Applicants for promotional

positions must have served continuously, as defined by the Board, in the next lower rank or in a position approved by the Board. (Rev. 7/26/01)

- Section 9. Service as a Police Liaison Officer shall count toward the service time required in a promotional examination for the next higher rank than that which the officer holds. A Fire Association Contract Administrator may file an application for a promotional examination provided required service time is met prior to appointment as Association Contract Administrator. The above shall be subject to the provisions of the applicable collective bargaining agreement. (Rev. 7/26/01)
- Section 10. Time spent on duty disability or military leave due to an ordered call up shall be credited to the time necessary to meet the actual service requirement in order to qualify for a promotional examination. Time spent on other types of leave shall not fulfill the requirement of actual service. (Rev. 7/26/01)
- Section 11. Every applicant shall comply with such other qualifications as the Board may establish and outline in the examination announcement bulletin. (Rev. 7/26/01)
- Section 12. Qualifications which are set forth in each examination announcement bulletin shall have the same force and effect as Rules adopted by the Board. (Rev. 7/26/01)

RULE VII.

APPLICATION PROCEDURES

- Section 1. The Board shall authorize the issuance of applications for all competitive examinations to candidates having the qualifications, as noticed on the examination announcement bulletin. Notice of the dates, times, and places for issuing applications shall be made in a manner prescribed by the Board. (Rev. 7/26/01)
- Section 2. Any willful misrepresentation in regard to any material fact made by an applicant, or by a person vouching for the applicant with applicant's knowledge or at applicant's request, shall be sufficient cause for exclusion from the selection process or for removal of name from an eligible list or for discharge. (Rev. 7/26/01)
- Section 3. An applicant who does not meet background standards established by the Board shall be excluded from the application procedure or from the selection process or the applicant's name may be removed from the eligible list. (Rev. 7/26/01)
- Section 4. An application which is incomplete or indicates that the applicant does not meet the qualifications for the position shall be rejected and the applicant notified of the reason. (Rev. 7/26/01)
- Section 5. The Board shall refuse to accept an application from, shall exclude from the selection process, or shall remove from the eligible list:
- (a) any person who does not meet the qualifications for the position, either at time of application or appointment; or (Rev. 7/26/01)
 - (b) any person who has failed a background investigation for the same department within the last two (2) years prior to the date of application. (Rev. 7/26/01)
- Section 6. Any discharged member of either department or a member who resigned while departmental charges were pending must wait one (1) year from the date of discharge or resignation before an application can be issued. Thereafter, the former member shall be issued an application on a provisional basis. The Board shall request a written report and recommendation relative to the discharge or resignation from the respective Chief. The Board shall decide whether the former member shall be allowed to proceed in the selection process. Applicants may be permitted to proceed with the selection process pending Board action. (Rev. 7/26/01)

RULE VIII.

EXAMINATIONS

- Section 1. The Board shall authorize the holding of examinations for non-exempt positions in the Milwaukee Fire Department and Milwaukee Police Department and shall list the qualifications for the position in an examination announcement bulletin approved by the Board, except when the Board deems other procedures to be appropriate. Non-sworn positions may be filled from City Service Commission eligible lists, by promotion from within the department, by competitive examination, or other method of selection as determined by the Board. (Rev. 7/26/01)
- Section 2. The selection process shall be open to all persons who meet the qualifications for the position as specified in the examination announcement bulletin and who have filed the necessary application by such time as determined by the Board. (Rev. 2/6/03)
- Section 3. Examinations shall be based upon information from job analysis or other information documenting actual job tasks and/or the knowledge, skills, abilities, or other characteristics required to perform job tasks; shall be developed in such a manner as to establish the relationship between the knowledge, skills, abilities, or other characteristics required for successful performance on the test, and those required for successful job performance; and shall be in compliance with applicable professional testing standards to ensure the fairness, reliability and validity of the examination process. (Rev. 7/26/01)
- Section 4. Examinations may consist of one or more tests which the Board may deem necessary and sets forth in the examination announcement bulletin. All tests shall fairly and reliably evaluate the applicant for fitness to hold the position. (Rev. 7/26/01)
- Section 5. Prior to an examination for a position, the Chief of the department shall, if requested, allow and assist the Board or its designee to perform a job analysis of the position. The job analysis may include, but is not limited to, the following: meetings and interviews with incumbents and their supervisors, job observations, ride-alongs, and the administration of questionnaires. (Rev. 7/26/01)
- Section 6. Applicants who obtain a final passing score on any entry-level examination, and who meet one or more of the following criteria, shall be entitled to additional points, not to exceed an aggregate of ten (10) points total, to be added to the final passing score of the applicant, as follows: (Rev. 7/26/01)
- (a) Additional points shall be awarded for military service or related military disability as defined within Section 230.16(7) Wis. Stats., applicable to

examinations for all entry-level positions. Award of these additional points shall be in conformity with state law. (Rev. 7/26/01)

- (b) Graduates of an accredited two year fire technology program shall be awarded three (3) additional points applicable to the Firefighter examination only. (Rev. 2/6/03)
- (c) Graduates of an accredited four year program in fire science shall be awarded five (5) additional points applicable to the Firefighter examination only. (Rev. 7/26/01)
- (d) Graduates of an accredited two year criminal justice, law enforcement or police science program shall be awarded three (3) additional points applicable to the Police Officer examination only. (Rev. 7/26/01)
- (e) Graduates of an accredited four year criminal justice, law enforcement or police science program shall be awarded five (5) additional points applicable to the Police Officer examination only. (Rev. 7/26/01)
- (f) Bona fide residents of the City of Milwaukee at time of application shall be awarded five (5) additional points applicable to entry-level examinations for Firefighter, Police Officer, Police Aide, and such other entry-level positions as the Board may so designate in the applicable examination announcement bulletin. (Rev. 7/26/01)

Applicants who wish to apply for additional points as outlined above shall be solely responsible for obtaining and providing sufficient documentation on a timely basis to the Board. Any decision as to the sufficiency or timeliness of such documentation shall be within the sole discretion of the Board. (Rev. 7/26/01)

- Section 7.
- (a) Prior to appointment, each candidate for an entry-level position shall undergo a thorough medical examination by medical examiners approved by the Board to determine whether or not the candidate meets the standards of health and physical fitness necessary to successfully perform the essential functions of the position. (Rev. 7/26/01)
 - (b) In the medical examination, the candidate shall be reported to be either medically qualified or medically unqualified. (Rev. 7/26/01)
 - (c) The medical examiners shall immediately report the results of the examination to the Board. There shall be no appeal from the decision of the medical examiners, and any candidate rejected shall not be re-examined for the same selection process, unless the Board so decides. (Rev. 7/26/01)

Section 8. All candidates for entry-level positions must pass a background investigation as to their suitability for a position. The background investigation results will be furnished to the Board, and candidates who fail will be provided an opportunity to appeal to the Board. (Rev. 7/26/01)

RULE IX.

TESTING PROCEDURES

- Section 1. The Board and staff shall not release or reveal information that may be deemed confidential including, but not limited to, examination booklets, examination questions, rating guides, scoring keys, written comments of examination raters, audio or video tapes of examination sessions, scores of candidates identified by name, and answers to specific items on examinations, unless specifically authorized by the Board. (Rev. 7/26/01)
- Section 2. Scoring of examinations will occur without reference to the identity of a candidate. (Rev. 7/26/01)
- Section 3. Candidates who use or attempt to use unfair or deceitful means to pass an examination or give assistance to other candidates during an examination shall be excluded from further participation in the selection process and may be subject to further penalties the Board may deem appropriate. (Rev. 7/26/01)
- Section 4. Upon the completion of the examination process, each candidate on the eligible list shall be notified of their final score and ranking. Candidates who are not placed on the eligible list shall be notified of their score upon failure to qualify. (Rev. 7/26/01)
- Section 5. Whenever an examination has been prepared for administration, the respective Chief shall, upon the Board's request, assign appropriate personnel to meet with Board staff to review the technical accuracy of the examination. (Rev. 7/26/01)

RULE X.

ELIGIBLE LISTS

- Section 1.
- (a) After an examination, an eligible list shall be prepared containing the names of the candidates in the order of their relative ranking. Eligible lists remain in effect for two (2) years, unless rescinded, abolished, or extended by the Board, except that eligible lists for Police Aide and Fire Cadet shall remain in effect until December 31st of the year in which they are established. (Rev. 7/26/01)
 - (b) All eligible lists, consisting of name and ranking of each candidate, shall be presented for adoption. (Rev. 7/26/01)
 - (c) If a tie occurs on an eligible list for an entrance position, candidates whose scores are identical will be ranked in alphabetical order by last name. If a tie occurs on a promotional eligible list, the candidate with the most seniority in the previous position held will be given first consideration for the position. (Rev. 7/26/01)
 - (d) When an eligible list expires and candidates remain who have scores identical to a candidate already appointed, the eligible list will be automatically extended until the candidate(s) with identical scores have been appointed or other disposition is made by the Board. (Rev. 7/26/01)
- Section 2.
- Any candidate on any eligible list for appointment or promotion in either department who is on active military duty when his/her name is reached on that eligible list shall be held over and remain eligible for appointment or promotion for such period of time, and under such terms and conditions, as may be required by applicable law. (Rev. 2/6/03)

RULE XI.

APPOINTMENTS

- Section 1. Appointments to sworn, non-exempt positions in either department will be made from eligible lists established by the Board. Appointments to non-sworn positions in either department may be made from eligible lists established by the Board or from City Service Commission eligible lists or through other procedures established by the Board. (Rev. 7/26/01)
- Section 2. (a) A Police Aide shall be eligible for appointment to Police Officer upon recommendation of the Chief after reaching age 21, provided the Police Aide has satisfactorily completed a specified course of instruction approved by the Board and a medical examination and drug screen test, and is a citizen of the United States. (Rev. 7/26/01)
- (b) Any individual who was not a citizen of the United States at the time of appointment to Police Aide must provide written proof of United States citizenship prior to completing the Police Aide program or reaching twenty one (21) years of age, whichever is later. Failure to do so shall result in termination of employment. (Rev. 7/26/01)
- (c) Graduates of the Police Aide program will have precedence of appointment to the position of Police Officer in the Police Department. (Rev. 7/26/01)
- Section 3. (a) Whenever there is a vacancy in a sworn position in either department which is to be filled from an eligible list, the Board shall make the appointment in numerical order from the appropriate list. (Rev. 7/26/01)
- (b) Whenever there is a vacancy in a non-sworn position in either department which is to be filled from an eligible list, the Board will certify to the appointing department for each vacancy the names of the persons whose scores rank in the five top places on the eligible list. The Chief shall recommend the appointment of an individual from among the five certified names and report the selection to the Board for review and approval. (Rev. 7/26/01)
- Section 4. The Chief may object to a candidate on an eligible list for a sworn position by notifying the Board in writing of the reasons for such objection. The Board shall then interview the candidate and determine whether the name of the candidate will remain on the eligible list. (Rev. 7/26/01)

- Section 5. Appointments or promotions to positions in either department require Board approval and are not effective until approved by a majority of the Board at a meeting of the Board. (Rev. 7/26/01)
- Section 6. Persons selected for appointment from eligible lists shall not be retained on the eligible list if they decline or are unable to accept appointment, at the time offered, unless they are unavailable due to circumstances beyond their control, or other valid reason approved by the Board. (Rev. 7/26/01)
- Section 7. (a) Original entrance appointees to Police Officer or Firefighter and persons not eligible for reinstatement to these positions who are re-employed in either department shall be on probation for an aggregate of 16 months of actual active service. All other appointees shall be on probation for one year unless otherwise specified by the Board, City Ordinance or a collective bargaining agreement. If during the probationary period, the appointee proves unfit for the position, the Chief may discharge the appointee. A full written statement of the reasons for the discharge must be filed with the Board within five (5) days of the discharge. There shall be no appeal from this discharge. If the probationary period is completed in a satisfactory manner, the appointee shall then be classified as a regular employee. (Rev. 7/26/01)
- (b) Promotional appointees shall be on probation for an aggregate of one (1) year of actual service unless the Board specifies a longer or shorter period for any position or class. If during the probationary period the appointee proves unfit for the position, the Chief may demote to the position held prior to promotion, by filing a full written statement of the reasons for the demotion within five days of the demotion. Upon request, the appointee is entitled to a copy of the specific reasons for demotion and to a hearing before the Board. (Rev. 7/26/01)
- Section 8. (a) For non-sworn positions, whenever an appointment can be made from a City Service eligible list, the Chief may appoint from the list to fill the existing vacancy, subject to the approval of the Board. (Rev. 7/26/01)
- (b) All requests for the filling of a vacancy from City Service Commission eligible lists shall be made to the Board in writing. (Rev. 7/26/01)
- Section 9. The Chief of Police, with the permission of the Board, shall have the power to appoint special Police Officers, as defined by Charter Ordinance, in a particular emergency for a period not to exceed thirty (30) days. (Rev. 7/26/01)
- Section 10. Where a vacancy exists in a non-sworn position, and it is shown to the satisfaction of the Board that there is a person who has been serving in a lower or different non-sworn position and whose familiarity with the work of the vacant

position and whose qualifications make it desirable for the best interests of the service and the efficiency of the department, the Board may approve the promotion of such person either with or without examination, even if an eligible list for the position exists. (Rev. 7/26/01)

- Section 11. When there is no eligible list, the respective Chief may appoint individuals to act in the next higher capacity than that signified by their actual rank when such appointment is deemed advisable for the good of the service. Acting personnel shall have the same authority as regular or temporary appointees, but no provision shall be made for other benefits usually associated with the higher ranking position such as pay, seniority in rank or change in uniform. Such appointment shall be effective only until such time as a temporary or regular appointment is made from an eligible list. (Rev. 7/26/01)
- Section 12. If the name of an individual on a promotional eligible list is reached while the individual is on a leave of absence for active military duty, the name of the individual shall be bypassed and retained on the eligible list until the eligible list expires. (Rev. 7/26/01)
- Section 13. (a) When a vacancy occurs in an exempt position in either department, the Chief shall submit the name of an appointee to the Board at a meeting of the Board together with the request for the appointment. A written report from the Chief on the qualified candidate together with a copy of the appointee's service record shall be attached to the request. Appointment requests presented under this rule shall be laid over to a future meeting of the Board at which time the appointee shall be present. In the interim, the Board may elect to interview the appointee in executive session. If the appointment is not approved, the Board, upon request of the individual, shall make known the reason. In the event a nominee is rejected by the Board, the respective Chief shall submit a new nomination at the next meeting of the Board. (Rev. 3/6/03)
- (b) Any person appointed or promoted to an exempt position shall continue to serve in said exempt position only and shall not be transferred or assigned to similar non-exempt positions and shall not be allowed to qualify for higher level non-exempt positions, unless specifically approved by the Board. (Rev. 9/5/02)
- (c) If a vacancy exists in the office of Assistant Fire Chief, the Fire Chief shall nominate and, with the approval of the Board, shall appoint a person to a term of office coinciding with the term of the Chief making the appointment, subject thereafter to reinstatement to the last previously held non-exempt position in the Fire Department. (Rev. 9/5/02)

- (d) If a vacancy exists in the office of Assistant Chief of Police, the Chief of Police shall, pursuant to Section 62.50 (7) Wis. Stats., nominate and, with the approval of the Board, shall appoint a person to a term of office coinciding with the term of the Chief making the appointment, subject thereafter to reinstatement to the last previously held non-exempt position in the Police Department. (Rev. 9/5/02)

Section 14. A Chief shall immediately notify the Board in writing of any department member performing in an acting capacity in any of the following positions: Assistant Chief of Police, Deputy Chief of Police, Police Commander, Deputy Inspector of Police, Captain of Police, First Assistant Chief Engineer, and Deputy Chief, Fire. No department member shall serve in an acting capacity in any of the aforementioned positions for a period in excess of thirty (30) calendar days without approval of the Board. Upon date of adoption of this Rule, the Chiefs of the respective departments shall immediately file with the Board a written report setting forth the name of each department member presently serving in an acting capacity in any of the aforementioned positions. For each such position filled on an acting basis, the thirty (30) calendar day period for serving in such position in an acting capacity shall commence upon date of approval of this Rule. (Rev. 2/7/02)

RULE XII.

REINSTATEMENT

- Section 1. Members of either department who enlist, are inducted, or are ordered into active military service pursuant to those acts as enumerated in the Milwaukee Code of Ordinances shall be granted a leave of absence during the period of such service and shall, upon application, be entitled to reinstatement in accordance with the Milwaukee Code of Ordinances. The Board shall hear any complaints regarding requests for reinstatement of members returning from military service and shall make recommendations to the respective Chief for appropriate reinstatement and/or employment of such person. (Rev. 7/26/01)
- Section 2. Members of either department who have been granted a leave of absence for reasons other than military service shall be reinstated in accordance with the Milwaukee Code of Ordinances, effective at such time as determined by the Board. (Rev. 7/26/01)
- Section 3. All members who are reinstated pursuant to this Rule shall submit to a medical examination and drug screen test to determine fitness for duty prior to being reinstated. (Rev. 7/26/01)
- Section 4. The Chief of the respective department shall notify the Board when any leave of absence is granted and when reinstatement has been made. (Rev. 7/26/01)
- Section 5. Effective September 1, 1992, any member of either department who has been retired because of ordinary disability before reaching the ordinary minimum retirement age, and who has been medically re-examined and found by the medical panel and the Annuity and Pension Board to be fit for service, shall be eligible for reinstatement. Such person, upon recommendation of the Chief of the applicable department, shall be eligible for reinstatement to the position previously occupied or to another position for which the person is qualified, as determined by the Board upon the recommendation of the Chief of the department, but any such reinstatement may be made only to fill a vacancy and shall not be made if the effect thereof would be to displace any person presently holding such position. If at the time the person applies for reinstatement no vacancy exists in the position previously occupied by the person seeking reinstatement, or in another position for which the person is qualified, then that member's name shall be placed on a reinstatement list. Except as specifically provided otherwise in these rules, reinstatement lists shall have preference over all other lists for appointments or promotions. A person on a reinstatement list upon recommendation by the Chief and approval by the Board, shall be reinstated to the department on the first date following the vacancy in the position previously occupied by the member prior to his or her retirement on ordinary disability. (Rev. 7/26/01)

RULE XIII.

REAPPOINTMENT

- Section 1. Any former member of either department who has successfully completed his/her recruit training and graduated from the Training Academy as of the date of his/her separation from active service and who resigned in good standing without any departmental charges pending may within six months apply for re-entry into the department in which the member previously served through a written request to the Chief. The Chief shall forward the request together with a recommendation to the Board. If the Board acts favorably on the request, reappointment shall be made effective at such time as determined by the Board. (Rev. 4/24/03)
- Section 2. Former members of either department shall submit to a medical examination and drug screen test to determine fitness for duty before being reappointed. A reappointed member shall in all respects be treated as a new employee, subject to provisions of the applicable collective bargaining agreement. (Rev. 12/6/01)
- Section 3. Any former member of either department who was discharged or resigned while departmental charges were pending must qualify for reappointment through competitive examination. (Rev. 7/26/01)
- Section 4. Any former member of the Police Department who separated from the department as a result of being decertified as a law enforcement officer by the Wisconsin Law Enforcement Standards Board must qualify for reappointment through competitive examination and may attempt to do so at any scheduled examination for Police Officer. (Rev. 7/26/01)

RULE XIV.

RESIDENCY

- Section 1. All employees of the City of Milwaukee, including all members of the Fire Department and Police Department, are bound by City of Milwaukee Charter provisions regarding residency and are required to establish and maintain their actual and bona fide residence within the boundaries of the city throughout the period of employment by the city. It is strongly presumed that adequate housing, transportation, educational opportunities, health care and other amenities exist within the City of Milwaukee so as to permit all employees to establish and maintain a bona fide residence within the boundaries of the city as required. (Rev. 10/3/02)
- Section 2. Unless an extension of time to establish residency or a temporary exemption from the residency requirement has been granted by the Board, failure of any employee of the Milwaukee Fire Department or Milwaukee Police Department to reside within the boundaries of the City of Milwaukee shall render that employee ineligible for continued employment and shall result in termination of that employee. (Rev. 10/3/02)
- Section 3. All new employees of the Fire Department or Police Department who are not already employees of the City of Milwaukee shall be granted a period of time not to exceed six (6) months from the date of hire to establish a residence within the boundaries of the City of Milwaukee. All individuals who are hired as members of the Fire Department or Police Department are expected, upon being hired, to immediately begin taking all steps necessary to meet the residency requirement within six (6) months of the date of hire. Extensions of the six (6) month time period for establishing a bona fide residence within the City of Milwaukee are not favored and will not be granted absent extraordinary circumstances. (Rev. 10/3/02)
- Section 4. Any newly hired member of the Fire Department or Police Department who believes it may be necessary to request an extension of the time period for establishing residency, or any other member who believes it may be necessary to request a temporary exemption from the residency requirement, shall file such request in writing, together with copies of all supporting documentation, at least thirty (30) calendar days prior to the date on which the extension or temporary exemption is anticipated to begin. Failure to file the request on a timely basis, absent extraordinary circumstances, shall be grounds for denial. The request shall be addressed to Fire and Police Commission, 809 North Broadway, Room 104, Milwaukee, Wisconsin, 53202. The requestor shall forward a copy of the request to the Chief of the respective department. (Rev. 10/3/02)
- Section 5. Any request for an extension or temporary exemption shall specify, in detail, the reason(s) for the request and shall be accompanied by copies of all documentary

evidence in support thereof including, but not limited to, real estate listing contracts, apartment leases, medical reports, educational reports, etc. Failure to supply appropriate supporting documentation together with the request shall be grounds for denial of the request. The burden of proof regarding whether or not a request for an extension or temporary exemption should be granted shall at all times be on the requestor. There is a strong presumption against the granting of all such requests absent extraordinary circumstances. (Rev. 10/3/02)

- Section 6. Any request for an extension or temporary exemption or supporting documentation, which contains medical information, shall be treated and maintained as confidential by the Fire and Police Commission, the Fire and Police Departments, and their respective staffs. Such information shall be utilized solely for the purpose of evaluating the request for extension or temporary exemption, and no further release of such information may be made other than to individuals, entities, corporations or health care providers referred to therein for the purpose of verifying and/or clarifying information contained in the request. (Rev. 10/3/02)
- Section 7. Upon receipt of a request and appropriate supporting documentation, the request shall be referred to Fire and Police Commission staff for investigation and preparation of a report and recommendation to be submitted to the Board. Any employee making a request shall, upon request, immediately provide any and all releases necessary for Commission staff to obtain additional information, including medical information that may have a bearing upon the request. Failure by the employee to immediately supply the necessary releases shall be deemed a failure to cooperate and shall result in denial of the request for extension. (Rev. 10/3/02)
- Section 8. The Board shall not be limited to information supplied by the requestor. Staff may seek and obtain additional information, which is relevant to making a recommendation regarding the request. Upon completion of its investigation, staff shall prepare a written recommendation. The recommendation shall be to grant the request as made, grant the request with modifications or conditions, or deny the request. Copies of any additional information obtained by staff, along with a copy of the recommendation to the Board, shall be supplied to the requestor. (Rev. 10/3/02)
- Section 9. The Board shall review the request, supporting documentation, the report and recommendation of staff prior to making its decision at a public meeting with the understanding that the report and recommendation of staff is conclusive and should be adopted unless good cause to the contrary is shown. The employee requesting the extension or temporary exemption shall be notified of the meeting and invited to address the Board. Board members may pose questions to the employee. A roll call vote will be taken on the request. The decision of the Board may be to grant the request as made, or grant the request with modifications, or deny the request in whole or in part. The decision of the Board

will be reduced to writing and a copy forwarded to the employee and the respective Department within ten (10) calendar days of the vote by the Board.
(Rev. 10/3/02)

RULE XV.

APPEALS FROM DEPARTMENT DISCIPLINE BY SWORN PERSONNEL

- Section 1. All sworn, non-probationary members of the Police Department who possess police powers and who are discharged, demoted or suspended without pay for a period of more than five (5) eight-hour working days may appeal such discipline to the Board of Fire and Police Commissioners. (Rev. 7/26/01)
- Section 2. All sworn, non-probationary members of the Fire Department who are discharged, demoted or suspended without pay for a period of more than two (2) twenty-four-hour working days, or more than five (5) eight-hour working days, may appeal such discipline to the Board of Fire and Police Commissioners. (Rev. 7/26/01)
- Section 3. Within two (2) calendar days after service of an appealable disciplinary order upon a department member, the department shall file with the Board a copy of the disciplinary order and a signed complaint outlining the specific conduct which serves as the basis for each rule violation alleged. (Rev. 7/26/01)
- Section 4. Within ten (10) calendar days after service of a disciplinary order which is appealable to the Board, the department member so disciplined may file with the Board a written appeal of that discipline in conformity with Section 62.50(13) Wis. Stats. (Rev. 7/26/01)
- Section 5. Within five (5) calendar days after an appeal is filed, the Board shall serve appellant, or counsel of record for appellant if applicable, with a copy of the complaint as filed by the department. Service by mail upon appellant's counsel of record shall be deemed to be sufficient to satisfy this requirement. (Rev. 7/26/01)
- (a) If appellant has not waived statutory time limits for trial per Section 62.50(14) Wis. Stats., the Board shall also serve appellant or appellant's counsel of record, and the Chief of the department or the Chief's counsel, with a Notice of Pretrial and Trial. The pretrial date shall be no less than five (5) nor more than ten (10) calendar days after the date of service. The trial date shall be no less than five (5) calendar days nor more than fifteen (15) calendar days after the date of service. (Rev. 7/26/01)
 - (b) If appellant or counsel for appellant waives statutory time limits for the setting of a date for trial pursuant to Section 62.50(14) Wis. Stats., the Board shall serve appellant or appellant's counsel of record, and the Chief of the department or the Chief's counsel, with a Scheduling Order setting a pretrial hearing within thirty (30) calendar days and a trial date within sixty (60) calendar days of the date of the Scheduling Order. (Rev. 7/26/01)

- (c) Section 62.50(16) Wis. Stats. grants each party the right to one (1) adjournment of the trial without the need to show cause, and the first such request from each party which is received by the Board or its designated Hearing Examiner shall be granted. Any subsequent request for adjournment of a scheduled trial from each party must be in writing, stating the specific reason(s) that a party will not be able to proceed on the scheduled date, and that the reason(s) for such inability are beyond the control of the party making such request. Failure to make all reasonable attempts to be prepared, or to ascertain the availability of prospective witnesses, will result in denial of the request absent a showing that such failure was beyond the control of the party requestor. Efforts will be made to accommodate the schedules of the parties, attorneys, and prospective witnesses. Requests for adjournment which appear to be due to failure to prepare or merely for the purpose of further delaying the trial shall be denied. Absent an express waiver by both parties, no adjournment of trial shall exceed fifteen (15) calendar days except as may be deemed necessary by the Hearing Examiner. (Rev. 7/26/01)

- Section 6. (a) Within ten (10) calendar days after an appeal is filed, the department shall supply appellant or appellant's counsel of record with a list of witnesses intended in good faith to be called to prove the allegations contained in the complaint and copies of all reports, summaries of reports, witness statements and summaries of witness statements which the department intends to rely upon to support its case, together with any and all documents which are exculpatory in nature. A cover letter identifying each such document sequentially, and a brief description and the number of pages contained in each such document, shall also be supplied to appellant or counsel for appellant. A copy of the list of witnesses and exhibits, and the aforementioned cover letter, shall be filed with the Board within ten (10) calendar days after an appeal is filed. Copies of the aforementioned documents need not be filed with the Board until time of trial. (Rev. 7/26/01)
- (b) If the department believes that good cause exists to limit the documentation required to be supplied pursuant to Section 6 (a) above, a written request shall be filed with the Board and a copy supplied to appellant within ten (10) calendar days after an appeal is filed. Any such request shall, with as much specificity as is possible, identify those documents which the department believes should not be supplied and/or the limitations which are sought, together with the reasons therefore. Appellant shall have ten (10) calendar days thereafter to file a response. The Board's designated Hearing Examiner may rule on any request for limitations based solely upon the written submission(s) or, if deemed necessary, schedule a hearing and/or in camera inspection of those documents sought to be withheld. General or "blanket" requests for

limitations, or those which are not supported by specific reasons for limitations which pertain to the specific case, may be summarily denied. The decision of the Hearing Examiner shall be reduced to writing. Either party may appeal the Hearing Examiner's decision to the Board by filing, within ten (10) calendar days of that decision, a written statement or brief of not more than three (3) typed pages setting forth specific reasons as to why the Hearing Examiner's decision should be overturned. The decision of the Board shall be reduced to writing and shall be final. (Rev. 7/26/01)

- Section 7. (a) If appellant or counsel for appellant waives statutory time limits for the setting of a date for trial pursuant to Section 62.50(14) Wis. Stats., appellant shall file with the Board within forty (40) calendar days after an appeal is filed, but in no case less than thirty (30) calendar days after receipt of the discovery from the department as required by Section 6 (a) above, the following: (i) a written response to the complaint which is signed by the appellant or, in the alternative, signed by appellant's legal counsel, and (ii) a list of witnesses intended in good faith to be called, and exhibits intended to be introduced, to refute the allegations contained in the complaint. Copies of the aforementioned list of proposed witnesses and exhibits shall also be provided to opposing counsel, together with complete and accurate copies of all listed exhibits. Copies of exhibits need not be filed with the Board until time of trial. (Rev. 7/26/01)
- (b) If appellant has not waived statutory time limits for trial pursuant to Section 62.50(14) Wis. Stats, the aforementioned witness and exhibit lists shall be filed with the Board and supplied to opposing counsel, together with complete and accurate copies of all listed exhibits, within twenty (20) calendar days after an appeal is filed, but in no case less than ten (10) calendar days after receipt of the discovery from the department as required in Section 6 (a) above. Copies of exhibits need not be filed with the Board until time of trial. (Rev. 7/26/01)

- Section 8. Within twenty (20) calendar days after an appeal is filed, but in no case less than ten (10) calendar days after receipt of the discovery from the department as required by Section 6 (a) above, appellant shall also file with the Board any procedural motions and/or challenges related to the jurisdiction of the Board, admissibility of evidence, the form or sufficiency of the complaint or the charges outlined therein, the timeliness of the proceedings, or the sufficiency of discovery received from the department. The department shall have ten (10) calendar days thereafter to file a written response. The Board's designated Hearing Examiner may rule on any such motion and/or challenges based solely upon the written submission(s) or, if deemed necessary, schedule a hearing for the purpose of receiving additional input from the parties on the issue(s) raised. The decision of the Hearing Examiner on any such issue shall be reduced to writing. Either party may appeal the Hearing Examiner's decision to the Board by filing, within

ten (10) calendar days of that decision, a written statement or brief of not more than three (3) typed pages setting forth specific reasons as to why the Hearing Examiner's decision should be overturned. The decision of the Board shall be reduced to writing and shall be final. (Rev. 7/26/01)

- Section 9. A pretrial shall be scheduled and conducted in each case for the purpose of attempting final settlement efforts, completing any remaining exchange of documents, and narrowing the issues to be addressed at time of trial via stipulations as to matters which are not in dispute. The Hearing Examiner may require one or the other party to prepare a written stipulation pertaining to those issues which are agreed upon and need not be proven at time of trial. Each party shall appear at the pretrial fully aware of the availability of all prospective witnesses on the scheduled trial date, and issues regarding such availability shall be raised at time of pretrial. If a request for an adjournment of the trial pursuant to Section 62.50(16) Wis. Stats. has been made, or if such a request is made at time of pretrial, the parties shall attempt to reschedule the date of trial. (Rev. 7/26/01)
- Section 10. At time of trial, each party shall have an opportunity to make an opening statement not to exceed two (2) minutes in length. The department shall present evidence first, with the appellant to be given the opportunity to present evidence thereafter. (Rev. 7/26/01)
- Section 11. Any witness may testify regarding matters about which the witness has personal knowledge and which are sufficiently related to issues before the Board. The Board reserves the right to limit the calling of witnesses or the taking of testimony which appears to be cumulative or lacking sufficient relevance to the specific issues to be addressed. Limits will be imposed on the number of witnesses if it appears that this can be accomplished while serving the interests of justice and judicial economy. (Rev. 7/26/01)
- Section 12. Each party shall have no more than sixty (60) minutes to present its case, exclusive of opening statement, closing statement and cross examination by opposing party. The Board shall have the right to expand these time limits only if it deems additional time to be necessary. (Rev. 7/26/01)
- Section 13. The department may call the appellant adversely, and may cross-examine appellant if/when appellant becomes a witness voluntarily. The Board may question any witness called by either party at any time during the hearing. (Rev. 7/26/01)
- Section 14. After all witnesses have testified, each party may make a statement not to exceed two (2) minutes in length outlining what that party believes is shown in the record. (Rev. 7/26/01)

- Section 15. The Board may deliberate in closed session before announcing its decision regarding whether or not there is just cause to sustain one or more of the charges. In making its determination, the Board shall apply the following standards to the extent applicable: (a) Whether the subordinate could reasonably be expected to have had knowledge of the probable consequences of the alleged conduct, and (b) Whether the rule or order that the subordinate allegedly violated is reasonable, and (c) Whether the Chief, before filing the charge against the subordinate, made a reasonable effort to discover whether the subordinate did in fact violate a rule or order, and (d) Whether the effort described under subsection (c) above was fair and objective, and (e) Whether the Chief discovered substantial evidence that the subordinate violated the rule or order as described in the charges filed against the subordinate, and (f) Whether the Chief is applying the rule or order fairly and without discrimination against the subordinate, and (g) Whether the proposed discipline reasonably relates to the seriousness of the alleged violation and to the subordinate's record of service with the Chief's department. (Rev. 7/26/01)
- Section 16. If the Board finds just cause to sustain a finding of one or more rule violations, testimony and evidence may then be received regarding the appellant's character, work record, the impact of the misconduct on the department, the seriousness of the offense and other such factors. The Board shall deliberate in closed session in order to determine an appropriate penalty, which may include counseling and/or re-training, suspension without pay, demotion in rank, or discharge from the department. The Board's decision shall be reduced to writing, signed by a participating Board member, and forwarded to the parties within ten (10) calendar days after the decision is made. (Rev. 7/26/01)

RULE XVI.

APPEALS FROM DEPARTMENT DISCIPLINE BY NON-SWORN (CIVILIAN) PERSONNEL

- Section 1. All non-sworn (civilian), non-probationary, non-exempt full-time members of the Fire Department or the Police Department who are discharged, demoted or suspended without pay for more than fifteen (15) working days may appeal such discipline to the Board of Fire and Police Commissioners. (Rev. 10/4/01)
- Section 2. Within two (2) calendar days after service of an appealable disciplinary order upon a department member, the department shall file with the Board a copy of the disciplinary order and a signed complaint outlining the specific conduct which resulted in the disciplinary action. (Rev. 7/26/01)
- Section 3. Within five (5) calendar days after service of a disciplinary order which is appealable to the Board, the department member so disciplined may file with the Board a written appeal of that discipline and may use the following or similar form: (Rev. 7/26/01)
- To the Honorable Board of Fire and Police Commissioners: Please take notice that I appeal the order or decision of
(state the name and official title) discharging (demoting or suspending) me from the (Fire or Police) Department. Said Order of Discharge (Demotion or Suspension) was made on the _____ day of _____, 20__.
Dated this _____ day of _____, 20__.
Signed _____. (Rev. 7/26/01)
- Section 4. An employee who is in a bargaining unit where the labor agreement provides final and binding arbitration as an alternative method of hearing disciplinary matters may elect either the alternate method or a hearing before the Board of Fire and Police Commissioners. If the employee elects final and binding arbitration, the right to a hearing before the Board will be deemed to have been waived. (Rev. 7/26/01)
- Section 5. Within five (5) calendar days after an appeal is filed, the Board shall serve the appellant with a copy of the complaint as filed by the department. Service by mail upon the appellant's counsel of record, if applicable, shall be deemed to be sufficient to satisfy this requirement. (Rev. 7/26/01)
- Section 6. The Board shall notify the appellant, or the appellant's counsel of record, and the Chief of the department or the Chief's counsel that a pre-appeal conference may be scheduled prior to an appeal hearing before the Board. If a pre-appeal conference is scheduled, it shall be scheduled within fifteen (15) calendar days of such notice, and the appeal hearing before the Board shall be scheduled within

thirty (30) calendar days of such notice, unless these limitations are waived by both the appellant and the department. (Rev. 7/26/01)

- Section 7. If a pre-appeal conference is scheduled and conducted, it shall be for the purpose of attempting final settlement efforts, completing any exchange of documents and narrowing the issues to be addressed at the time of the appeal hearing by stipulations as to matters which are not in dispute. The Hearing Examiner may require one or the other party to prepare a written stipulation pertaining to those issues which are agreed upon and need not be proven at the appeal hearing. Each party shall be made fully aware by the other party of the availability of all prospective witnesses on the scheduled trial date prior to the pre-appeal conference. (Rev. 7/26/01)
- Section 8. Any party may request and be granted one adjournment of the appeal hearing for a period not to exceed fifteen (15) calendar days. Thereafter, any request to adjourn an appeal hearing before the Board shall be at the sole discretion of the Board. (Rev. 7/26/01)
- Section 9. At the time of the appeal hearing, each party shall have an opportunity to make an opening statement not to exceed two (2) minutes in length. The department shall present evidence first, with the appellant to be given the opportunity to present evidence thereafter. (Rev. 7/26/01)
- Section 10. (a) Any witness may testify regarding matters about which the witness has personal knowledge and which are sufficiently related to issues before the Board. The Board reserves the right to limit the calling of witnesses or the taking of testimony which appears to be cumulative or lacking sufficient relevance specific to the issues to be addressed. Limits will be imposed on the number of witnesses if it appears that this can be accomplished while serving the interests of justice and judicial economy. (Rev. 7/26/01)
- (b) The department may call the appellant adversely and may cross examine the appellant if and when the appellant becomes a witness voluntarily. The Board may question any witness called by either party at any time during the hearing. (Rev. 7/26/01)
- Section 11. Each party shall have no more than thirty (30) minutes to present its case, exclusive of opening and closing statements and cross examination by opposing party. The Board shall have the right to expand these time limits only if it deems additional time to be necessary. (Rev. 7/26/01)
- Section 12. After all witnesses have testified, each party may make a statement not to exceed two (2) minutes in length outlining what the party believes is shown in the record. (Rev. 7/26/01)

- Section 13. The Board may deliberate in closed session before announcing its decision on whether there is, by a preponderance of the evidence, cause to sustain one or more of the charges. (Rev. 7/26/01)
- Section 14. If the Commission determines that the charges are sustained, they shall determine whether the good of the service requires that the appellant be permanently discharged, or be suspended without pay for a period to be determined by the Board, or reduced from a higher to a lower position, or suspended without pay and reduced from a higher to a lower position. If the charges are not sustained, the appellant shall be immediately reinstated in the former position without prejudice, and the appellant shall not be deprived of any salary for the period of time of discharge, suspension, or reduction preceding the hearing. (Rev. 7/26/01)
- Section 15. The Board's decision shall be reduced to writing, signed by a participating Board member, and forwarded to the parties within five (5) calendar days after the decision is made. (Rev. 7/26/01)

RULE XVII.

CITIZEN COMPLAINT PROCEDURE

- Section 1. CITIZEN COMPLAINT DEFINED. A citizen complaint is any written communication received by the Fire and Police Commission which alleges a violation of rules or standard operating procedures by a member of either the Fire or Police Department, which meets the requirements of Sections 2, 3 and 4 below. (Rev. 7/26/01)
- Section 2. WHO MAY FILE A CITIZEN COMPLAINT. Any aggrieved person may file a written complaint alleging misconduct by a member of either the Fire Department or Police Department. An aggrieved person is someone who is directly affected by the alleged misconduct, or the parent or legal guardian of a minor who is directly affected by the alleged misconduct. (Rev. 7/26/01)
- Section 3. WHERE AND HOW TO FILE. A complaint alleging misconduct by a member of either the Fire or Police Department must be filed by mailing or delivering a properly executed complaint to the Board of Fire and Police Commissioners, 809 North Broadway, Room 104, Milwaukee, WI, 53202. (Rev. 7/26/01)
- Section 4. CONTENTS AND FORM OF COMPLAINT. The complaint must state, in plain language, the full name, address and telephone number of the complainant; the name, badge number or other identification of the accused member(s); the date, approximate time and location of the incident; and a description of the alleged misconduct. (Rev. 7/26/01)

The complainant (aggrieved person) must specify whether the complaint is being filed pursuant to Section 62.50(19) of the Wisconsin Statutes or the City of Milwaukee Charter Ordinances. (Rev. 7/26/01)

- (a) If the complaint is filed under the State Statute, the complaint must describe individual acts of each accused member which would constitute grounds for removal (firing) of the member(s) from the department. The complaint must be signed by the aggrieved person, or the parent or legal guardian of an aggrieved minor, in the presence of a notary. The person signing the complaint must, upon oath or affirmation, declare that the contents of the complaint are true and correct to the best of that person's knowledge. The complaint must also be signed and dated by a notary. (Rev. 7/26/01)
- (b) If the complaint is filed under the Charter Ordinance, the complaint must describe individual acts of each member accused which would be grounds

for discipline. The complaint must be signed by the aggrieved person or the parent or guardian of an aggrieved minor. (Rev. 7/26/01)

The Fire and Police Departments shall permit the Executive Director, or designee, to access all department records other than personnel records which are relevant to the incident stated in the complaint, as may be necessary to determine the identity of the officer(s) involved. Any records reviewed are for this limited purpose only. Should provisional jurisdiction be granted, the accused member(s) shall, upon request, be provided with copies of documents used to establish identity. (Rev. 7/26/01)

Section 5. RECEIPT OF COMPLAINT AND TRANSMITTAL TO BOARD. Upon receipt of a complaint at the Fire and Police Commission, a docket number will be assigned. The complaint will then be given to the Committee on Rules and Complaints and placed on the Rules and Complaints Committee agenda. (Rev. 7/26/01)

Section 6. PROVISIONAL JURISDICTION AND FURTHER APPROPRIATE ACTION.

- (a) The Committee on Rules and Complaints will review all complaints and determine whether the Board has jurisdiction over both the accused member and the subject matter of the complaint. (Rev. 7/26/01)
- (b) The Committee will report to the Board recommendations regarding provisional jurisdiction and will recommend one of the following alternatives: (Rev. 7/26/01)
 - (i) that the complaint be dismissed for lack of prosecutorial merit or for such other reason as may be determined by the Committee, or that the complaint be dismissed and referred to the Milwaukee Police or Fire Department for investigation and disposition; or (Rev. 7/26/01)
 - (ii) that the matter be referred to the Board, or to a Hearing Examiner to be designated by the Board, for conciliation, pretrial and trial; or (Rev. 7/26/01)
 - (iii) that the complaint be held in committee to give staff an opportunity to obtain additional information; or (Rev. 7/26/01)
 - (iv) other such actions as the Committee may deem appropriate. (Rev. 7/26/01)
- (c) Upon receipt of the recommendation of the Committee, the Board, by majority vote in open session, will make and announce its decision

regarding whether provisional jurisdiction will be granted and how the matter is to proceed. (Rev. 7/26/01)

- (d) If provisional jurisdiction is not granted, the Board will dismiss the complaint and will advise the complainant in writing of the denial and the reason(s) for such denial. (Rev. 7/26/01)
- (e) If the Board grants provisional jurisdiction, the complainant will be notified in writing of such action. A copy of the complaint and a Notice of Complaint will be served upon the accused member(s) and the Chief of the department, with a statement indicating the department rule which is alleged to have been violated. (Rev. 7/26/01)

Section 7. REFERRAL FOR CONCILIATION, PRETRIAL AND TRIAL. PROCEDURE.

- (a) Any complaint which is recommended for trial pursuant to Section 6 (b)(ii) above may be referred for conciliation. Written notice of a conciliation conference, to take place within thirty (30) calendar days of referral, will be sent to both the complainant and the accused member, or their counsel. The notice will indicate the date, time and place of conciliation conference and will advise the parties that the attendance of both the complainant and the accused member is required. (Rev. 7/26/01)
- (b) The conciliation conference will be conducted by a member of the Board or the Board's designee. The conference will be informal, with both parties encouraged to discuss the matter in an attempt to resolve it short of trial. Either party may be accompanied by legal counsel, but counsel may act as an observer only. The purpose of the conciliation conference is to seek resolution, not pretrial discovery, and statements made at the conciliation conference will not be admissible at time of trial. Any Board member who participates in the conciliation conference will not, unless both parties agree in writing, participate in any subsequent trial on the complaint. No individual who participates in the conciliation conference may sit as Hearing Examiner (see Section 10 below), unless both parties agree in writing. (Rev. 7/26/01)
- (c) If either party fails to appear at the conciliation conference without good cause, the Committee on Rules and Complaints may schedule the matter for trial or recommend to the Board that the matter be dismissed. (Rev. 7/26/01)
- (d) If a mutual agreement is reached at the conciliation conference, both parties will be asked to sign a statement of resolution stating that the dispute has been resolved and that the matter may be dismissed. If the resolution requires any further action by either party, the statement of

resolution will specify the action required and state that, upon completion of the action required, the matter is to be dismissed. A copy of the signed statement of resolution will be given to each party. When the complainant and accused notify the Board that all necessary action has been completed, the matter will be recommended for dismissal, based upon successful conciliation, at a meeting of the Board. (Rev. 7/26/01)

- (e) If no conciliation agreement is reached, the matter will be returned to the Committee on Rules and Complaints for dismissal or scheduling of a pretrial conference or other action as the Committee deems appropriate. (Rev. 7/26/01)
- (f) The purpose of the pretrial conference is to attempt a final settlement effort, narrow the issues to be tried, and shorten the length of time necessary to complete presentation of evidence at trial. To accomplish these tasks, the pretrial conference will include: (Rev. 7/26/01)
 - (i) Final settlement negotiations; and, (Rev. 7/26/01)
 - (ii) Establishment of dates for the exchange and filing of witness and exhibit lists; and, (Rev. 7/26/01)
 - (iii) Establishment of dates for the exchange of accurate copies of exhibits; and, (Rev. 7/26/01)
 - (iv) Determination of the issue(s) to be addressed at trial; and, (Rev. 7/26/01)
 - (v) Execution of a Pretrial Order by the Hearing Examiner, with a copy supplied to parties, setting forth the trial date and any remaining requirements for trial preparation by the parties, with deadlines for such activities. (Rev. 7/26/01)
- (g) A request for postponement of the conciliation conference or pretrial must be submitted in writing to the Board at least five (5) working days prior to the scheduled conciliation or pretrial date. The Board will decide whether to allow the postponement. (Rev. 7/26/01)
- (h) Both parties must provide witness and exhibit lists to the Board and the opposing party. Copies of all proposed exhibits will be supplied to the opposing party according to the schedule determined at the pretrial conference. Actual copies of proposed exhibits need not be filed with the Board until they are introduced at trial. (Rev. 7/26/01)

- (i) Failure of either party to exchange witness lists, exhibit lists or copies of proposed exhibits according to the scheduling order, unless an extension is granted in writing by the Board or its designated Hearing Examiner, may result in denial of the right to call any witness or present any exhibit not supplied in a timely fashion pursuant to this section. Denial may be made, at the discretion of the Board, either prior to trial or at time of trial upon the motion of opposing party or counsel. (Rev. 7/26/01)

Section 8. TRIAL DATES AND ADJOURNMENTS. The Hearing Examiner will set the date and time of trial and will notify the complainant and the accused by mail, at least fourteen (14) calendar days before the trial. The accused and the complainant have the right to an adjournment of the trial date not to exceed fifteen (15) calendar days provided that a written request for adjournment is received by the Board at least five (5) working days before the scheduled trial date. Any subsequent request for adjournment of the trial date must be in writing and received by the Board at least five (5) working days prior to trial and must state the reasons for the request. The Board may grant any adjournment request upon a proper and timely showing of good cause. The Board may adjourn any trial at its own volition. (Rev. 7/26/01)

Section 9. TRIAL PROCEDURE. WITNESSES. Witnesses may be required to attend any scheduled trial and give testimony when served with a Board subpoena. Preparation and service of a subpoena is the responsibility of the party desiring attendance of the witness. (Rev. 7/26/01)

Section 10. TRIAL BEFORE THE EXAMINER. PROCEDURE. The Hearing Examiner will preside over any trial and is authorized to make any and all evidentiary rulings necessary during the trial. Procedural and evidentiary rules governing trials before the Board will also apply to trials before the Hearing Examiner. Within twenty (20) calendar days after the close of the proceedings, the Hearing Examiner will provide to the Board a transcript of the proceedings and a report summarizing the evidence presented, and containing proposed findings of fact, conclusions of law and a recommended disposition. At the same time, a copy of the report only will be mailed to all parties or their respective counsels. Within twenty (20) calendar days of mailing the report to the parties, the parties may file written briefs with the Board setting forth their respective positions. Any reference to the transcript of the proceedings must be accompanied by pertinent portions of the transcript. Within ten (10) calendar days of the filing of the briefs, the Board may, at its option, schedule the matter for oral argument. The Board will meet on the date scheduled for disposition and, after receiving oral argument, if necessary, deliberate in closed session. The Board shall then, in open session, render a decision, which will either accept the Hearing Examiner's report or will make appropriate modifications to it. If the Board determines that the charges are sustained, it will then proceed to the dispositional phase in accordance with Section 20 of this Rule. (Rev. 7/26/01)

- Section 11. TRIAL BEFORE THE BOARD. PRESIDING OFFICER. The Hearing Examiner will preside at a trial before the Board, and shall be responsible for conducting the trial. The Hearing Examiner will rule upon all matters arising in the course of the trial provided Fire and Police Commission members are in attendance and all decisions, determinations and dispositions are made by the Board members. (Rev. 7/26/01)
- Section 12. GENERAL CONDUCT OF TRIAL. DECORUM.
- All trials conducted under this rule will, to the extent possible, be informal. Testimony may be elicited either through interrogation or in narrative form. The Wisconsin Rules of Evidence will apply in the same manner that they apply in a civil case. The Board may relax the rules of evidence if it deems the interests of justice to be served thereby. The trial shall be conducted to assure fundamental fairness to the parties. Objections to evidentiary offers and offers of proof regarding evidence ruled inadmissible may be made and incorporated into the record. Witnesses may be sequestered at the request of either party or upon motion of the Board. (Rev. 7/26/01)
- Section 13. INADMISSABLE EVIDENCE. Evidence resulting from personnel investigations of the Fire Department or Police Department, or from an investigation by the City Attorney for the purpose of a civil action, or gathered ex parte regarding the specific citizen complaint by investigation of the Board, is not admissible. (Rev. 7/26/01)
- Section 14. EVIDENCE ADMISSIBLE BY NOTICE. The Board may take official notice of, and accept as evidence without additional foundation, the constitutions of the United States and the State of Wisconsin, the laws of the State of Wisconsin, applicable case law interpreting relevant legal issues, the Charter of the City of Milwaukee, ordinances of the City of Milwaukee, Fire and Police Commission Rules and By Laws, applicable Fire Department or Police Department rules and regulations, and previous written decisions of the City of Milwaukee Board of Fire and Police Commissioners. (Rev. 7/26/01)
- Section 15. DOCUMENTARY EVIDENCE ADMISSIBLE VIA CERTIFICATION OR REASONABLE VERIFICATION. Relevant information or records which are either certified or contain reasonable guarantees of trustworthiness through questioning of the proponent under oath, may be admissible without the necessity of presenting direct testimony from the source of such records. (Rev. 7/26/01)
- Section 16. TRIALS OPEN TO PUBLIC. All trials are open to the public. (Rev. 7/26/01)
- Section 17. PRESENTATION OF EVIDENCE AT TRIAL. BURDEN OF PROOF. The complainant must prove the charges by a preponderance of the evidence. (That is, the complainant must show that it is more likely than not that the charges are

true.) The complainant will make the first presentation of witnesses and exhibits, after which the accused will have a similar opportunity. Cross examination of all witnesses is permitted. Either party may be called as a witness by the other party. (Rev. 7/26/01)

- Section 18. **TRIAL SUMMATION AND DECISION OF THE BOARD.** After presentation of evidence regarding the charges filed against the accused member, each party will be permitted to offer a five (5) minute summation of the evidence. The Board will then deliberate in closed session to consider the testimony and evidence received. Upon reaching a decision by majority vote, the Board will announce its decision on the record, in open session. (Rev. 7/26/01)
- Section 19. **TRIAL PROCEDURE. FAILURE TO MEET BURDEN TO RESULT IN DISMISSAL.** If the Board determines that the complainant has not met the burden of proof, the matter will immediately be dismissed and proceedings terminated. A summary of proceedings, findings of fact and decision will be prepared by the Hearing Examiner and signed by a Board member within three (3) working days after such decision is made. A copy of the written decision will be mailed to each of the parties. (Rev. 7/26/01)
- Section 20. **TRIAL PROCEDURE. BURDEN MET. DISPOSITIONAL PHASE AND DECISION.** At the beginning of the trial, the department will provide the Hearing Examiner with a sealed copy of the employment history and performance records of the accused member(s). These file(s) will be retained by the Hearing Examiner, and will not be opened or viewed by Board members, unless a determination has been made that the charges have been sustained. If the Board finds that the accused violated a department rule or procedure, the Board will review the employment history and performance records of the member(s) or such other personnel records as the Board may request. The Board will then receive testimony, exhibits, and oral argument from each party concerning disposition. Oral argument will be limited to five (5) minutes for each party. After hearing testimony and argument, the Board will deliberate in closed session until a decision is reached by majority vote. The Board will then announce its decision to the parties and the public. A written summary of proceedings, findings of fact and decision will be prepared by the Hearing Examiner and signed by a Board member within three (3) working days after the decision is announced. A copy of the decision will be mailed to all parties. (Rev. 7/26/01)
- Section 21. **DISPOSITIONAL OPTIONS.** Upon a finding of guilt, the Board has the following dispositional options: (Rev. 7/26/01)
- (a) Suspension without pay for a set period not to exceed the equivalent of 60 working days; or, (Rev. 7/26/01)

- (b) Demotion to a lesser rank within the department, with a corresponding decrease in pay and benefits; or, (Rev. 7/26/01)
- (c) Discharge from the department; or, (Rev. 7/26/01)
- (d) Other such dispositions as permitted by law. (Rev. 7/26/01)

APPENDIX

AMENDMENTS TO FIRE AND POLICE COMMISSION RULES Since July 26, 2001

Date Approved	Rule and Section	Amendment
10/4/01	Rule V, Section 4	Delete the titles "Offset Press Operator II" and "Lead Offset Press Operator". Add the titles "Printer" and "Production Designer II".
10/4/01	Rule XVI, Section 1	Include the words "full-time" as follows: "All non-sworn (civilian), non-probationary, non-exempt full-time members of the Fire Department or the Police Department who are discharged, demoted or suspended without pay for more than fifteen (15) working days may appeal such discipline to the Board of Fire and Police Commissioners." (emphasis added)
10/4/01	Rule II, Section 3 (a)	Include the words "and Police" at the end of the first sentence as follows: "The Board shall, on an ongoing basis, review all aspects of the operations of the Fire and Police Departments, including, but not limited to, a consideration of discipline, promotion, work rules, standard operating procedures, and other procedures relating to the conduct of employees of the Fire and Police Departments." (emphasis added)
11/1/01	Rule V, Section 3	Delete the title "Police Sergeant (Garage)"
11/1/01	Rule V, Section 4	Add the title "Fleet Maintenance Supervisor"
12/6/01	Rule XIII, Section 2	Add the following sentence at the end of existing Section 2: "A reappointed member shall in all respects be treated as a new employee, subject to provisions of the applicable collective bargaining agreement."
2/7/02	Rule XI, Section 14	Include the language in bold below at the places indicated: "A Chief shall immediately notify the Board in writing of any department member performing in an acting capacity in any of the following positions: Assistant Chief of Police, Deputy Chief of Police, Police Commander, Deputy Inspector of Police, Captain of Police , First Assistant Chief Engineer, and Deputy Chief, Fire. No department member shall serve in an acting capacity, in any of the aforementioned positions for a period in excess of thirty (30) calendar days without approval of the Board. Upon date of adoption of this Rule, the Chiefs of the respective departments shall immediately file with the Board a written report setting forth the name of each department member

APPENDIX – Amendments to Fire and Police Commission Rules

Date Approved	Rule and Section	Amendment
2/7/02	Rule XI, Section 14	presently serving in an acting capacity in any of the aforementioned positions. For each such position filled on an acting basis, the thirty (30) calendar day period for serving in such position in an acting capacity shall commence upon date of approval of this Rule.”
6/20/02	Rule V, Section 3	Add the designation “(E)” after the title “Identification Systems Specialist”.
7/11/02	Rule V, Section 3	Delete the title “Assistant Custodian of Police Property and Stores (E)”
9/5/02	Rule XI	<p>ReNUMBER current Section 13 as Section 13 (a).</p> <p>ReNUMBER current Section 15 as Section 13 (b).</p> <p>Create new Section 13 (c) as follows: “If a vacancy exists in the office of Assistant Fire Chief, the Fire Chief shall nominate and, with the approval of the Board, shall appoint a person to a term of office coinciding with the term of the Chief making the appointment, subject thereafter to reinstatement to the last previously held non-exempt position in the Fire Department.”</p> <p>Create new Section 13 (d) to read as follows: “If a vacancy exists in the office of Assistant Chief of Police, the Chief of Police shall, pursuant to Section 62.50 (7) Wis. Stats., nominate and, with the approval of the Board, shall appoint a person to a term of office coinciding with the term of the Chief making the appointment, subject thereafter to reinstatement to the last previously held non-exempt position in the Police Department.”</p>
10/3/02	Rule XIV	Delete existing Rule XIV and create new rule as follows: “Section 1. All employees of the City of Milwaukee, including all members of the Fire Department and Police Department, are bound by City of Milwaukee Charter provisions regarding residency and are required to establish and maintain their actual and bona fide residence within the boundaries of the city throughout the period of employment by the city. It is strongly presumed that adequate housing, transportation, educational opportunities, health care and other amenities exist within the City of Milwaukee so as to permit all employees to establish and maintain a bona fide residence within the boundaries of the city as required.”

APPENDIX – Amendments to Fire and Police Commission Rules

Date Approved	Rule and Section	Amendment
10/3/02	Rule XIV	<p>“Section 2. Unless an extension of time to establish residency or a temporary exemption from the residency requirement has been granted by the Board, failure of any employee of the Milwaukee Fire Department or Milwaukee Police Department to reside within the boundaries of the City of Milwaukee shall render that employee ineligible for continued employment and shall result in termination of that employee.”</p> <p>“Section 3. All new employees of the Fire Department or Police Department who are not already employees of the City of Milwaukee shall be granted a period of time not to exceed six (6) months from the date of hire to establish a residence within the boundaries of the City of Milwaukee. All individuals who are hired as members of the Fire Department or Police Department are expected, upon being hired, to immediately begin taking all steps necessary to meet the residency requirement within six (6) months of the date of hire. Extensions of the six (6) month time period for establishing a bona fide residence within the City of Milwaukee are not favored and will not be granted absent extraordinary circumstances.”</p> <p>Section 4. Any newly hired member of the Fire Department or Police Department who believes it may be necessary to request an extension of the time period for establishing residency, or any other member who believes it may be necessary to request a temporary exemption from the residency requirement, shall file such request in writing, together with copies of all supporting documentation, at least thirty (30) calendar days prior to the date on which the extension or temporary exemption is anticipated to begin. Failure to file the request on a timely basis, absent extraordinary circumstances, shall be grounds for denial. The request shall be addressed to Fire and Police Commission, 809 North Broadway, Room 104, Milwaukee, Wisconsin, 53202. The requestor shall forward a copy of the request to the Chief of the respective department.”</p> <p>“Section 5. Any request for an extension or temporary exemption shall specify, in detail, the reason(s) for the request and shall be accompanied by copies of all documentary evidence in support thereof including, but not limited to, real estate listing contracts,</p>

APPENDIX – Amendments to Fire and Police Commission Rules

Date Approved	Rule and Section	Amendment
10/3/02	Rule XIV	<p>apartment leases, medical reports, educational reports, etc. Failure to supply appropriate supporting documentation together with the request shall be grounds for denial of the request. The burden of proof regarding whether or not a request for an extension or temporary exemption should be granted shall at all times be on the requestor. There is a strong presumption against the granting of all such requests absent extraordinary circumstances.”</p> <p>“Section 6. Any request for an extension or temporary exemption or supporting documentation, which contains medical information, shall be treated and maintained as confidential by the Fire and Police Commission, the Fire and Police Departments, and their respective staffs. Such information shall be utilized solely for the purpose of evaluating the request for extension or temporary exemption, and no further release of such information may be made other than to individuals, entities, corporations or health care providers referred to therein for the purpose of verifying and/or clarifying information contained in the request.”</p> <p>“Section 7. Upon receipt of a request and appropriate supporting documentation, the request shall be referred to Fire and Police Commission staff for investigation and preparation of a report and recommendation to be submitted to the Board. Any employee making a request shall, upon request, immediately provide any and all releases necessary for Commission staff to obtain additional information, including medical information that may have a bearing upon the request. Failure by the employee to immediately supply the necessary releases shall be deemed a failure to cooperate and shall result in denial of the request for extension.”</p> <p>“Section 8. The Board shall not be limited to information supplied by the requestor. Staff may seek and obtain additional information, which is relevant to making a recommendation regarding the request. Upon completion of its investigation, staff shall prepare a written recommendation. The recommendation shall be to grant the request as made, grant the request with modifications or conditions, or deny the request. Copies of any additional information obtained by staff, along with a copy of the recommendation to the Board, shall be supplied to the requestor.”</p>

APPENDIX – Amendments to Fire and Police Commission Rules

Date Approved	Rule and Section	Amendment
10/3/02	Rule XIV	“Section 9. The Board shall review the request, supporting documentation, the report and recommendation of staff prior to making its decision at a public meeting with the understanding that the report and recommendation of staff is conclusive and should be adopted unless good cause to the contrary is shown. The employee requesting the extension or temporary exemption shall be notified of the meeting and invited to address the Board. Board members may pose questions to the employee. A roll call vote will be taken on the request. The decision of the Board may be to grant the request as made, or grant the request with modifications, or deny the request in whole or in part. The decision of the Board will be reduced to writing and a copy forwarded to the employee and the respective Department within ten (10) calendar days of the vote by the Board.”
12/19/02	Rule V, Section 1	Delete the title “First Assistant Chief Engineer (E)” and add the titles “Assistant Fire Chief (E)”, “Administrative Captain—EMS (E)”, and “Administrative Fire Lieutenant (E)”.
12/19/02	Rule V, Section 3	Delete the title “Police Electronic Technician.”
12/19/02	Rule V, Section 4	Delete the title “Public Relations Manager.”
1/23/03	Rule V, Section 4	Add the title “Administrative Services Specialist (E)”.
2/6/03	Rule VIII, Section 6(b)	Delete the following language: “and individuals licensed by the State of Wisconsin or certified by the National Registry of Emergency Medical Technicians as Paramedics”.
2/6/03	Rule VIII, Section 2	Delete the word “Examinations” and insert the following words in its place: “The selection process”.
2/6/03	Rule X, Section 2	Delete Section 2 and insert the following language: “Any candidate on any eligible list for appointment or promotion in either department who is on active military duty when his/her name is reached on that eligible list shall be held over and remain eligible for appointment or promotion for such period of time, and under such terms and conditions, as may be required by applicable law.”
3/6/03	Rule II, Section 2	Delete the word “printed” in the first sentence and insert the word “published” in its place.
3/6/03	Rule XI, Section 13 (a)	In the third sentence, delete the words “the next” and insert the words “a future” in its place.
4/24/03	Rule XIII,	Amend the first sentence to read as follows: “Any former member

APPENDIX – Amendments to Fire and Police Commission Rules

	Section 1	of either department who has successfully completed his/her recruit training and graduated from the Training Academy as of the date of his/her separation from active service and who resigned in good standing without any departmental charges pending may within six months apply for re-entry into the department in which the member previously served through a written request to the Chief.”